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## CHAPTER 15

### STATEWIDE WATER QUALITY MANAGEMENT PLANNING

**Note: This subchapter was held invalid. See Notice of Rule Invalidation at 34 N.J.R. 3641(b).**

#### SUBCHAPTER 8. DISCHARGES TO GROUND WATER OF LESS THAN 20,000 GALLONS PER DAY AND LESS THAN 2,000 GALLONS PER DAY

##### **7:15-8.1 Purpose and scope**

(a) This subchapter withdraws and redesignates the wastewater service area designations identified in areawide WQM Plans for subsurface sewage disposal systems with planning flows of less than 20,000 gallons per day (gpd) and less than 2,000 gpd, including individual subsurface sewage disposal systems.

##### **7:15-8.2 Withdrawal of general service area designations**

(a) Effective March 20, 2001, all areas designated in an adopted areawide WQM plan to be served by subsurface sewage disposal systems with planning flows less than 20,000 gpd and less than 2,000 gpd are deemed withdrawn.

(b) For those areas for which the designations are withdrawn under this section, a revised discharge to ground water general wastewater service area designation for planned flows of less than 2,000 gpd is established. The following wastewater facilities or treatment works with discharges to ground water may serve the identified projects and activities within this service area designation and will not require an areawide WQM plan amendment:

1. Wastewater facilities or treatment works with discharges to ground water with a daily maximum design flow of less than 2,000 gallons serving non-residential development; or

2. Individual or other subsurface sewage disposal systems serving residential development or subdivisions resulting in a total of fewer than six dwelling units.

i. For the purpose of determining the total number of dwelling units, previous development shall be taken into account. Previous development includes development constructed after March 20, 2001. Previous development to be taken into account in determining if the development qualifies includes:

(1) The construction of any residential development on contiguous parcels of property, regardless of present ownership, where there is a proposed sharing of infrastructure constructed to serve those parcels including, but not limited to, roads, utility lines, drainage systems, open spaces or septic drainage fields;

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(2) The construction of any residential development on contiguous parcels of property which were under common ownership on or after March 20, 2001, regardless of present ownership, or any subdivision or resubdivision of a parcel of land which occurred after March 20, 2001;

(3) The construction of any residential development on contiguous parcels of property where there is some shared pecuniary, possessory or other substantial common interest by one or more individuals in the units; and

(4) The addition of one or more dwelling units where such addition, when combined with the dwelling units constructed after March 20, 2001, results in a total exceeding six dwelling units.

(c) The following wastewater facilities or treatment works with discharges to ground water and the properties served by these discharges shall be deemed exempt at the current permitted flow, where applicable, as of March 20, 2001 provided that the activities are consistent with the adopted areawide WQM plan that was in effect on March 19, 2001. For purposes of this subsection, "permitted" means NJPDES permit, Treatment Works Approval or approval by the administrative authority pursuant to N.J.A.C. 7:9A.

1. Wastewater facilities with a discharge to ground water for which the Department has received an administratively complete application for or has issued a NJPDES permit pursuant N.J.A.C. 7:14A prior to March 20, 2001;

2. Treatment works with a discharge to ground water for which the Department has received an administratively complete application for or has issued a TWA pursuant to N.J.A.C. 7:14A prior to March 20, 2001;

3. Wastewater facilities with a discharge to groundwater that have obtained the approval of the administrative authority under N.J.A.C. 7:9A;

4. Wastewater facilities with a discharge to ground water including individual and other subsurface sewage disposal systems, associated with a development for which one of the following forms of currently valid approval was issued pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) prior to March 20, 2001.

i. Minor subdivision;

ii. Minor site plan;

iii. Preliminary or final site plan; or

iv. Preliminary or final subdivision approval; or

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5. Existing wastewater facilities with a discharge to ground water for which no approval is required. For example, a dwelling unit utilizing a cesspool or a septic system which was installed prior to the existence of standards promulgated under the Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.

(d) For areas addressed by this section, any wastewater facility or treatment works with a discharge to ground water shall be deemed to be inconsistent, unless exempt as provided in (b) and (c) above.

(e) An application to change a wastewater service area designated pursuant to (b) above shall be processed as a wastewater management plan or amendments thereto, unless the project or activity is deemed consistent with the areawide WQM plan under N.J.A.C. 7:15-3.2.

(f) In the event the implementation of this subchapter conflicts with other provisions of this chapter, the provisions of this subchapter control.